THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 26075 of 2006

15-12-2006

Between:-

K. Vishwanatham Goud and three others.

Petitioners

And

District Collector, Ranga Reddy district at Lakdikapool, Hyderabad and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 26075 of 2006

Oral order:

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

The petitioners assail the notification issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') published in the Andhra Pradesh Gazettee on 04-11-2006 whereby the lands of the petitioners in an extent of Ac.03-08 gts., in survey Nos.33 to 38, Ahmedguda village, Keesara mandal, Ranga Reddy district were proposed to be acquired for the formation of an approach road to the Rajiv Gruhakalpa Scheme.

It would appear that even earlier to the impugned notification, as the officials of the third respondent visited the petitioners' property in June, 2006 for making local

inspection for eventual proposals to acquire the land, the petitioners submitted a representation to the Executive Director of the A.P. Housing Board in August, 2006 agreeing to part with 50' width road of a length of 1008 meters at a different location. The petitioners' grievance is that without considering such representation, the respondents have commenced acquisition proposals and have issued a notification under Section 4 (1) of the Act.

The notification issued under Section 4 (1) of the Act is but a draft proposal for acquisition of specified property, under the provisions of the Act. In the context of the fact that the notification does not invoke the urgency clause and the enquiry under Section 5-A of the Act has not been dispensed with, the respondents are obligated to issue a notice to the petitioners calling upon the them to lodge their objections to the acquisition proposals. On objections being lodged, the respondents are bound to consider the same and the competent authority must take a decision under Section 5-A (2) of the Act. It is equally possible that whatever has earlier been represented by the petitioners, if set out in their memorandum of objections submitted (pursuant to a notice under Section 5-A of the Act), may commend acceptance by the respondents and they may give up the acquisition as proposed. It is only after a decision is taken under Section 5-A (2) of the Act, is communicated to the

petitioners, that the petitioners will have a grievance. A notification issued under Section 4 (1) of the Act is a tentative proposal to acquire the land and the proposal is wholly fluid and flexible at this stage.

On the aforesaid analysis, there are no merits. The writ petition is disposed of declaring that the petitioners shall not be liable to be dispossessed from the lands proposed for acquisition by the notification issued under Section 4 (1) of the Act dated 04-11-2006, unless they are issued a notice calling for objections under Section

5-A of the Act and till a decision is taken on their objections by the competent authority and communicated to them by registered post acknowledgement due. No costs.

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GODA RAGHURAM, J

Dated:15-12-2006
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